

REMARKS

The present application was filed on October 18, 1999 with claims 1-18. New claims 19-27 were added in a Preliminary Amendment filed by Applicants on August 30, 2000. Claims 1-27 are currently pending. Claims 1, 8, 15-20 and 24 are the independent claims.

Each of claims 1-27 stands rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,400,966 (hereinafter "Andersson").

Applicants respectfully traverse the §103(a) rejection, and request reconsideration of the present application.

In their previous response, Applicants amended independent claim 1 to clarify that a given channel element of a given channel unit board is assignable to each of a plurality of carriers and a plurality of antenna sectors of a CDMA system. Similar amendments were made to other independent claims, including claims 8, 15, 18, 19 and 24.

In rejecting amended claim 1 under §103(a), the Examiner relies at least in part on FIG. 9A of Andersson, arguing that a given claimed channel unit board corresponds to element BBTX 1, and that the channel elements of that channel unit board correspond to the boxes labeled "Carrier 1" and "Carrier N1" in BBTX 1. See the Office Action at, for example, pages 2-3. However, as Applicants have pointed out, none of the boxes labeled "Carrier 1" or "Carrier N1" in FIG. 9A, which the Examiner argues correspond to the claimed channel elements, is assignable to each of a plurality of carriers and a plurality of antenna sectors of the Andersson system. Instead, it is clear that each of the boxes labeled "Carrier 1" or "Carrier N1" in FIG. 9A of Andersson is associated with only a single carrier of the Andersson system. That is, the "Carrier 1" box is associated with Carrier 1, the "Carrier N1" box is associated with Carrier N1, and so on.

In response to the argument of Applicants on this point, the Examiner acknowledges at page 3 of the Office Action that FIG. 9A fails to meet the limitation of claim 1 regarding a given channel element of a given channel unit board being assignable to each of a plurality of carriers and a plurality of antenna sectors of the system. However, the Examiner goes on to argue that FIG. 9A is described in Andersson as one of a number of "alternative embodiments" that can "be used interchangeably," and that Andersson describes other embodiments which meet the limitation in question, relying on teachings in column 5, lines 50-51, and column 7, lines 30-34. Applicants respectfully submit that the Examiner is incorrect on this point.

Even a cursory reading of Andersson makes it readily apparent that FIG. 9A and the relied-upon additional teachings refer to the same embodiment. For example, Andersson explicitly describes FIG. 9A as follows in the brief description provided at column 3, lines 3-6:

FIGS. 9A and 9B are diagrams that illustrate the flexible allocation of signal processing resources utilizing the interfaces B'_2 and A'_2 shown in FIG. 2, in accordance with the preferred embodiment of the present invention.

Thus, FIG. 9A is a further illustration of the manner in which interfaces B'_2 and A'_2 of FIG. 2 are implemented in the single “preferred embodiment” described in Andersson. FIGS. 2 and 9A are thus not “alternative embodiments” that can “be used interchangeably,” as alleged by the Examiner. Instead, FIG. 9A is simply a more detailed view of particular portions of the preferred embodiment shown in FIG. 2, namely, the hardware associated with the B'_2 and A'_2 interface portions of the FIG. 2 embodiment. The above-noted additional teachings relied upon by the Examiner, at column 5, lines 50-51, and column 7, lines 30-34, clearly relate to FIG. 2 embodiment, which as noted above is the very same embodiment which is further detailed by FIG. 9A. This is consistent with references at column 3, lines 16-19, and column 10, lines 23-30, of Andersson which refer to a single “preferred embodiment,” rather than multiple interchangeable alternative embodiments as alleged by the Examiner.

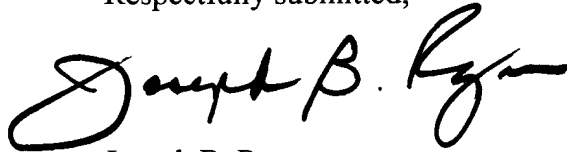
Applicants therefore submit that the additional teachings at column 5, lines 50-51, and column 7, lines 30-34, of Andersson fail to supplement the fundamental deficiency of FIG. 9A as applied to the limitations of independent claim 1. There is simply no channel unit board in Andersson which includes multiple channel elements at least a given one of which is assignable to multiple carriers and sectors as claimed. FIG. 9A details the interfaces B'_2 and A'_2 of FIG. 2, and the Examiner has acknowledged that the arrangement shown in FIG. 9A fails to meet the claim limitations. It is believed that none of the hardware associated with the remaining interfaces A'_1 and B'_1 meets these limitations. There is no support whatsoever in Andersson for the modification of FIG. 9A that is proposed by the Examiner, and FIG. 9A in fact teaches away from the proposed modification.

The remaining independent claims are believed allowable for reasons similar to those identified above with regard to claim 1.

Accordingly, it is believed that claims 1-27 as amended herein are in condition for allowance. Applicants therefore respectfully request the withdrawal of the §103(a) rejection.

As indicated previously, a Notice of Appeal is submitted concurrently herewith.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph B. Ryan". The signature is fluid and cursive, with the first name "Joseph" being the most prominent part.

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Enclosure(s): Notice of Appeal